Joint Consultative Machinery for Employees of Kendriya Vidyalaya Sangahtan

1873. SHRI SHARAD YADAV : Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state :

(a) whether it is a fact that the Board of Governors of the Kendriya Vidyalaya Sangathan has approved of a scheme of Joint Consultative Machinery for its employees in 1985;

(b) if so, what are the details thereof;

(c) whether the above machinery is likely to replace opportunity provided to associations of employees to make representations on matters concerning their respective constituent service, grades etc.;

(d) what are the reasons that Kendriya Vidyalaya Sangathan has consistently been refusing to hold any bilateral negotiations with any recognised service association of its employees;

(e) whether Government have recently reviewed/are going to review the matter and issued/are issuing instruction to Kendriya Vidyalaya Sangathan to hold bilateral talks with their service associations; and

(f) if so, what are the details thereof ?

THE MINISTER OF STATE IN THE DEPARTMENTS OF EDUCATION AND CULTURE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI KRISHNA SAHI): (a) Yes, Sir.

(b) A copy of the scheme is attached as Statement. (*See* below).

(c) The Joint Consultative Machinery will supplement and not replace opportunity provided to associations of employees to make representations concerning their respective constituent service, grades etc.

(d) to (f). The Joint Consultative Machinery of Kendriya Vidyalaya Sangathan could not be formed as the Delhi High Court, on a writ petition, had directed the Kendriya Vidyalaya Sangathan on 16th April, 1986 not to constitute the staff council under the Joint Consultative Machinery scheme. The Delhi High Court has recently vacated the aforesaid stay order and steps are being taken to constitute the Joint Consultative Machinery, which will consider the demands of the various associations.

Statement

Scheme of Joint Consultative Machinery for Kendriya Vidyalaya Sangathan

With the object of promoting harmonious relations and of securing the greatest measure of co-operation between the Sangathan, in its capacity as employer and the general body of its employees in matters of common concern, and with the object, further, of increasing the efficiency of services combined with these employees, the Kendriya Vidyalaya Sangathan has decided to establish a machinery for joint consultation and arbitration of unresolved differences. The essential features of the scheme for setting up such a machinery are described below :—

Constitution and Procedure :

1. The Scheme will cover all regular employees of the Sangathan except group 'A' Officers.

2. The Machinery will supplement, and not replace, the facilities provided to employees to make individual representations, or to associations of employees to make representation on matters concerning their respective constituent service grades etc.

3. There will be a Council, called the Joint Consultative Machinery (JCM) of Kendriya Vidyalaya Sangathan which will deal with matters relating to conditions of service and work, welfare and improvement of efficiency and standards of work of all regular employees of the Kendriya Vidyalaya Sangathan.

4. The Council will consist of an official side and a staff side. The official side will be decided by the Chairman of the JCM of the Kendriya Vidyalaya Sangathan and may consist of seven members who will include the Vice-Chairman, Kendriya Vidyalaya Sangathan, Finance Member of

Kendriya Vidyalaya Sangathan, two members of the Board of Governors, Commissioner, Joint Commissioner (Admn.) and Deputy Commissioner (Admn.) of the Sangathan. The staff side may consist of seven members to be nominated by the associations, in the manner prescribed in the Constitution. The Vice-Chairman, Kendriya Vidyalaya Sangathan, will be the Chairman of the Council. The staff side will elect its own leader. Each side will appoint its own Secretary/Secretaries.

5. No person who is not an employee of the Sangathan shall be a member of the staff side of the Council.

6. The associations will nominate their representatives for a period of three years, but there will be no bar on renomination. Vacancies caused by death, retirement, transfer etc., will be filled for the unexpired term.

NOTE : An association may replpace on the Council such of its representatives as have ceased to be its office bearer at annual elections or by exigencies such as a vote-of-no-confidence.

SCOPE AND FUNCTIONS :

7. The scope of the Council will include all matters relating to the conditions of service and work, welfare of the employees, and improvement of efficiency and standard of work, provided, however, that (i) in regard to recruitment, promotion and discipline, consultation will be limited to matters of general principles and (ii) individual cases will not be considered.

8. The official side will conclude matters at the meeting of the Council and will not reserve them for later decisions by the Kendriya Vidyalaya Sangathan.

9. The Council may appoint Committee(s) to study and report on any matters falling within its scope.

10. Subject to the final authority of the Board of Governors of Kendriya Vidyalaya Sangathan agreements reached between the two sides of the Council will become operative.

11. If there is no agreement between the two sides, the matter may be transmitted to a Committee of the Council for further examination and report. But, if a final disagreement is recorded in the Council (after the disagreement in the Committee having been ratified in the Council) and matter is one for which compulsory arbitration is provided, it shall be referred to arbitration, if either side so desires. In other cases, the Board of Governors will take action according its own judgement.

12. A matter disposed of by the Council in any manner will not be placed on the agenda during the following 12 months, unless, for any special reason, the Chairman of the Council directs otherwise.

13. The Council will frame rules for the conduct of its business.

ARBITRATION :

14. Compulsory arbitration shall be limited to :

(i) Pay and allowances

(ii) Weekly hours of work, and

(iii) Leave

of a class or grade of employees.

15. As to the question whether or not a particular issue falls within the scope of any of the above arbitrable items, the decision of the Ministry of Education and Culture in the matter will be final.

16. Cases of individuals shall not be subject to arbitration.

17. A dispute shall not be referred to arbitration unless it has been considered by the Council and final disagreement between the two sides has been recorded.

18. On a final disagreement being recorded as mentioned in clause 11 and 17, the Ministry of Education and Culture shall appoint a Board of Arbitration as soon as possible. The Board will consist of three members one drawn from a panel of three names submitted by the official side of the Council, one from a similar

panel submitted by the staff side and a Chairman, who will be an independent person.

19. (i) In determining a dispute, the Board of Arbitration shall examine the merits of the case presented by both the official and staff sides and take into account all other relevant factors.

(ii) Matters determined by the Government in accordance with the recommendations of a Commissioner, in case made applicable to the Sangathan, will not be subject to arbitration for a period of five years on the date of the recommendations after which they will become arbitrable with reference, as far as, possible to the factors referred to in (i) above.

20. Subject to the over-riding authority of the Ministry of Education and Culture, recommendations of the Board of Arbitration will be binding on both sides.

21. Orders made by the Sangathan in pursuance of recommendations of the Board of Arbitration shall, unless otherwise specified in those recommendations or modified by mutual agreement, remain in operation for a period of three years.

AMENDMENT :

22. Any amendment or alteration in the Scheme or in the constitution/rules made thereunder shall be made by the Council.

INTERPRETATION OF RULES :

23. If any question arises as to the interpretation of any of the clauses of the Scheme or the constitution/rules made thereunder, it will be decided by the Chairman of the Council

Law to check the misuse of Amniocentesis

1874. SHRI SURESH PACHOURI : Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state :

(a) whether there are any laws in force against misuse of Amniocentesis test and if so, details thereof; and

(b) whether any cases of misuse of Amniocentesis tests have come to light and if so, details thereof State-wise and year-wise for the last 3 years ?

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (KUMARI SAROJ KHAPARDE): (a) No, Sir.

As per the information received from State/UTs. Amniocentesis facilities are available in 40 Government institutions. However no report of misuse of Amniocentesis test have bten reported to this Ministry.

(b) No, Sir.

Pesticides residual limits for food and their Recommendations

1875. SHRI SURESH PACHOURI : Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether out of over 130 pesticides cleared for use in Agri. pesticides residual limits for foods have been laid only in about 3 cases and if so, reasons therefor; and

(b) whether any food samples have been tested so far and if so, results thereof, state-wise and year-wise and corrective action if any taken where required ?

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (KUMARI SAROJ KHAPARDE): (a) Out of 118 pesticides registered on regular basis for use in the country, the residue tolerance limits for 31 commonly used pesticides have already been laid down under the Prevention of Food Adulteration Rules. Tolerance limits for 21 additional pesticides have also been drawn up for inclusion under the provision of Prevention of Food Adulteration Rules, 1955. Tolerance limits for remaining 66 pesticides could not be worked out because of non-availability of authentic documents on the maximum residue limits prescribed by other organisations/countries.

(b) information from States/Union Territories is being collected.